

**COMPLIANCE WITH THE SERVICEMEMBERS’  
CIVIL RELIEF ACT OF 2003**

(Adopted pursuant to Order dated October 16, 2006)

In order to comply with Section 201 of the Servicemembers’ Civil Relief Act of 2003 (the “Act”) regarding the entry of default judgments and other applicable parts of the Act, Pub. L. 108-189, 117 Stat. 2835, the Court requires the following:

(a) *Default Judgments.* At the time of the filing of a motion for default judgment in an adversary proceeding pursuant to Federal Rule of Bankruptcy Procedure 7055, the plaintiff must file an affidavit with the Court which states: (1) whether or not the defendant is in the military service, and indicating the necessary facts to support said affidavit; or (2) if the plaintiff is unable to determine whether or not the defendant is in the military service, a statement that the plaintiff is unable to so determine. See Section 201(b)(1) of the Act. If a plaintiff moving for a default judgment does not submit the required affidavit, the motion will be denied. If the Court is unable to ascertain the defendant’s military status from the presented affidavit, it may require the plaintiff to file a bond before entering any default judgment. Section 201(b)(4) of the Act states that the affidavit requirement “may be satisfied by a statement, declaration, verification or certificate, in writing, subscribed and certified or declared to be true under penalty of perjury.”

(b) *Motions for Relief from the Automatic Stay.* At the time of the filing of a motion for relief from stay under Federal Rule of Bankruptcy Procedure 4001, the movant must file an affidavit with the Court which states: (1) whether or not the respondent is in the military service, and indicating the necessary facts to support said affidavit; or (2) if the movant is unable to determine whether or not the respondent is in the military service, a statement that the movant is unable to so determine. See Section 201(b)(1) of the Act. The Court will not enter any orders lifting the stay if the movant does not supply the required affidavit. If the Court is unable to ascertain the respondent’s military status from the presented affidavit, it may require the movant to file a bond before entering any order lifting the stay.

(c) *Motions and Contested Matters.* At the time of the filing of any motion requesting a remedy which may be granted by the Court for a party’s failure to respond, movant must also certify whether the respondent is a servicemember, as required by Section 201(b)(1) of the Act.

(d) *Debtor’s Information.* In order to assist the Court in its determination of a debtor’s status under the Act, a debtor should inform the Court if he or she is a servicemember subject to the provisions of the Act at the time of the filing of the bankruptcy petition by submitting a separate writing in the form of Procedural Form 202 issued by the Director of the United States Courts, a copy of which is available at <http://www.uscourts.gov/bkforms/index.html> or on the Court’s web site at [www.nhb.uscourts.gov](http://www.nhb.uscourts.gov). If, at any time during the pendency of the bankruptcy proceedings, a debtor becomes entitled to the protections of the Act, he or she should inform the Court of the change in military status within ten (10) days of the change in status. Failure by the debtor to inform the Court of his or her military status does not in any way constitute a waiver of the debtor’s protections under the Act and does not alter the responsibility of a party to investigate the debtor’s servicemember status before filing any of the papers referred to in subparagraphs (a) through (c) of this administrative order.

(e) *Verification.* Information on verification of the military status of an individual is available from the clerk’s office or on the Court’s web site at [www.nhb.uscourts.gov](http://www.nhb.uscourts.gov).